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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA  
13

14 **THE TWO HUNDRED FOR  
15 HOME OWNERSHIP, a California  
Nonprofit Public Benefit Corporation,  
16 ROBERT APODACA, an individual, and  
JOSE ANTONIO RAMIREZ, an individual,**  
17 Petitioner and Plaintiff,

18 v.  
19

20 **CALIFORNIA AIR RESOURCES BOARD,  
STEVEN S. CLIFF, in his official capacity,  
21 and DOES 1-25,**

22 Respondents and  
Defendants.  
23

No. 1:22-CV-01474-ADA-BAM

**STIPULATION AND [PROPOSED]  
ORDER RE CONTINUANCE OF  
MANDATORY SCHEDULING  
CONFERENCE**

Scheduling Conference

Date: February 14, 2023  
Time: 8:30 a.m.  
Courtroom: #8  
Judge: Barbara A. McAuliffe

Trial Date: None set  
Action Filed: November 14, 2022

WHEREAS, on January 6, 2023, Petitioners provided copies of a summons and their complaint to Respondents, via e-mail, together with a request for waiver of service pursuant to Rule 4 of the Federal Rules of Civil Procedure;

WHEREAS, Respondents agreed to waive service, as requested by Petitioners, and thus are required to answer or otherwise respond to the complaint on or before March 7, 2023;

WHEREAS, Respondents have notified Petitioners that they intend to file, on or before March 7, 2023, a motion to dismiss under Rule 12(b) of the Federal Rules of Civil Procedure with regard to all of the claims asserted by Petitioners herein;

WHEREAS, the Court has set a mandatory scheduling conference in this action on February 14, 2023;

WHEREAS, the Parties have met and conferred regarding the matters to be discussed at the scheduling conference, including such related matters as the extent to which the claims asserted by Petitioners might properly be decided based on an administrative record, the preparation of the administrative record and anticipated timing for completion of the record, the possible need for discovery on any non-record based claims, and the appropriate timing of such discovery relative to the Court's decision regarding the record-based claims; and

WHEREAS, the Parties agree that they will be in a better position to discuss and come to an agreement regarding these and other scheduling matters after the Court has ruled on Respondents' motion to dismiss.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE that the scheduling conference currently set for February 14, 2023 should be continued for a period of three months, or to the Court's earliest available date thereafter.

Dated: February 2, 2023

**ROB BONTA**  
Attorney General of California

/s/ Janelle M. Smith

JANELLE M. SMITH  
Deputy Attorney General  
*Attorneys for Respondents/Defendants*  
*California Air Resources Board et al.*

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2 Dated: February 2, 2023

HOLLAND & KNIGHT LLP

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4 /s/ Brian C. Bunger (as authorized on  
February 2, 2023)

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6 BRIAN C. BUNGER  
*Attorneys for Petitioners/Plaintiffs The Two  
Hundred for Homeownership et al.*

7  
8 **ORDER**

9 Based on the foregoing stipulation of the parties, and for good cause shown, the scheduling  
10 conference in the above-captioned action which is currently scheduled for February 14, 2023 at  
11 8:30 a.m. is hereby continued to **May 11, 2023, at 9:30 AM in Courtroom 8 (BAM) before**  
12 **Magistrate Judge Barbara A. McAuliffe.** The parties shall file a Joint Scheduling Report at  
13 least one full week prior to the conference. The parties shall appear at the conference remotely  
14 with each party connecting either via Zoom video conference or Zoom telephone number. The  
15 parties will be provided with the Zoom ID and password by the Courtroom Deputy prior to the  
16 conference. The Zoom ID and password are confidential and are not to be shared. Appropriate  
17 court attire required.

18 IT IS SO ORDERED.

19 Dated: February 6, 2023

/s/ Barbara A. McAuliffe  
20 UNITED STATES MAGISTRATE JUDGE

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